HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 166(S/B)2005

Dr. Chandra Shekhar Tyagi,
S/o Sri Makkhan Singh,
Presently posted as Medical Officer,
Govt. Ayurvedic Hospital, Mayapur/Badrinath,
District-Chamoli (Uttarkashi). ---- Petitioner.

Versus

1. The State of Uttaranchal through Secretary,
   Medical Health & Family welfare, Dehradun,
2. Director, Ayurvedic & Unani Services,
   Uttaranchal at Dehradun.
3. State of Uttara Pradesh, through Secretary,
   Medical Health & Family welfare, Lucknow,
4. Director, Ayurvedic & Unani Services,
   Uttar Pradesh, Lucknow,
5. Union of India, through Secretary,
   Ministry of Personnel Public Grievances & Pensions,
   New Delhi,
6. State Reorganization Committee,
   Govt. of India, Department of Personnel & Training,
   Ministry of Personnel, Public Grievance & Pensions,
   New Delhi. ----Respondents.

Sri Prakash C. Bisht, learned counsel for the petitioner,
Sri K.P. Upadhyay, learned Standing Counsel for State of Uttaranchal/respondent nos. 1&2,
Smt. Beena Pande learned Standing Counsel for State of U.P./respondent nos. 3 & 4,
Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondent nos. 5 & 6.

Coram:-Hon'ble M.M. Ghildiyal, J.
Hon'ble B.S. Verma, J.

P.C:.

Heard Sri Prakash C. Bisht, learned counsel for the petitioner, Sri K.P. Upadhyay, learned Standing Counsel for State of Uttaranchal/respondent nos. 1&2, Smt. Beena Pande, learned Standing Counsel for State of U.P./respondent nos. 3&4 and Smt. Anjali Bhargava, learned Standing Counsel for Union of India/respondent nos. 5&6.

2. This writ petition has been filed by the petitioner for the following reliefs:-

a) Issue a writ, order or direction in the nature of certiorari commanding the respondents to quash the name of the petitioner from S. No. 98 in the list dated 14.10.2004 (annexure no. 4) of the Unani/Ayurvedic Medical Officer to be relieved for the State of Uttar Pradesh,

b) Issue any other writ, order or direction in the nature of mandamus commanding the respondents not to relieve him ever from the State of Uttaranchal to the State of Uttar Pradesh further commanding them to permit him to service in the State of Uttaranchal permanently,

c) Issue any writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case,

d) Award the cost of writ petition to the petitioner.

3. Submission of the learned counsel for the petitioner, as narrated in the writ petition, is that the petitioner was appointed as Medical Officer (Ayurvedic) in the year 1986. In the year 1987 he was posted in the hill district of erstwhile State of Uttar Pradesh. He is still continuing in the State of Uttaranchal after creation of State of Uttaranchal. It is further submitted that the petitioner is permanent resident of district Haridwar in the State of Uttaranchal. He has opted for State of Uttaranchal, however his name did not find place in the final allocation list issued in respect of State of Uttaranchal. Raising his grievances, the petitioner has already moved a representation on 04.07.2005 before State Reorganization Committee, Govt. of India, Department of Personnel &

Training, Ministry of Personnel, Public Grievance & Pensions, New Delhi/ respondent no. 6, but no decision has yet been taken by the respondent.

4. During the course of arguments, counsel for the petitioner has confined his prayer that the respondent no. 6 may be directed to take decision on his representation dated 04.07.2005 within the period prescribed by the Court.

5. Without entering into merits of the case, we think it just and proper to direct the respondent no. 6 to take decision on the representation of the petitioner at an earliest. Accordingly, the respondent no. 6 is directed to take decision on the representation of the petitioner dated 04.07.2005 and in case the respondent no. 6 comes to the conclusion that the name of the petitioner did not find place in the list of allottees of State of Uttaranchal, the respondent no. 6 may forward the case of petitioner to respondent no. 5 who shall take decision in the matter at the earliest preferably within a period of two months from the date of recommendation, if any, received from respondent no. 6.

6. With these directions, the writ petition is finally disposed of. No order as to costs.

(B.S. Verma, J.) **(M. M. Ghildiyal, J.)**

July 25, 2006:
NCM: